CASE HISTORY AND OFFICER'S NOTES
OCTOBER 04, 2004
CASE # 0410-0292
THEFT OF PROPERTY 1ST, ASSAULT 2ND (X2)
VICTIMS: DE'ANN BROWN, MIKE HUGHES, JIM MUELLER

On October 03, 2004 at approx. 10:53am Officer were dispatched to a reported Criminal Trespass at Pinkard's Food Mart located on U.S. Hwy 231 south of Troy. It was reported that Johnnie Fenn was at that location on a silver Dodge van. He had been previously warned to stay off that property. While the Officer's were en route they were informed by Dispatch that the Pike County S.O. held active Felony warrants on Johnnie Fenn for Probation Violation. Upon Officers arrival they learned that the vehicle with Fenn inside had left the area headed toward the area of the Pocosins. They then went into that area looking for Fenn. Officer Hughes spotted that van occupied by 1 B/M. He effected a traffic stop and found that the driver had let Fenn out near a mobile home. Sgt. Railey then spotted Fenn inside a Ford SUV near that area. When Fenn spotted the Officers he exited the van and ran into a wooded area. Officer's attempted to set up a perimeter and call tracking dogs in. Ofc. Crawley then spotted Fenn running on the Pocosin road. He saw Fenn run and get inside a Ford Econoline Van. The van was stopped in a yard and the occupants were standing outside of it. The owner of the van, De'Ann Brown was standing there when she saw Fenn running toward her with Police in pursuit. He is familiar with Fenn as she is related to him through marriage. She attempted to prevent Fenn from getting into her van but was unable to do so. He got into the van and drove off at a high rate of speed. Several Officers were in pursuit. Ofc. Mike Hughes and a Deputy were in the area and wound up in front of the chase. They attempted to set up a "running road block" were they position their cars side by side and drive at a slow speed blocking the road in an attempt to slow down and eventually stop the pursuit. As the pursuit was approaching Ofc. Hughe's position Fenn did not slow down, instead he intentionally drove the van into the rear of Ofc. Hughes car. Fenn then tried to get around the Police cars by driving off the roadway. He struck several mailboxes before getting back on the roadway. He then drove his van off the left side of the road and attempted to pass Ofc. Hughes that way. When he got beside Ofc. Hughes car he turned to the right and intentionally struck Ofc. Hughes police car again. He hit it on the left rear quarter and continued hitting it up the drivers side to the front bumper. Ofc. Hughes car was disabled by this action. Ofc. Hughes also received some minor bumps and bruises but did not require treatment. After striking Ofc. Hughes car this time Fenn may have lost control of the van and it then struck Ofc. Mueller's Police car on the left front fender. The chase then continued onto Hwy 231 southbound toward Brundidge Alabama. According to Officers the chased went into Brundidge and Fenn attempted to cut through a gas station parking lot at the intersection of US Hwy 231 and S.A.Graham Blvd. Ofc. Mueller positioned his car at the exit of the gas station on S.A. Graham Blvd. Fenn had plenty of time to stop or to go around Ofc. Muellers car on the left or right side. Instead he intentionally drove straight into the drivers side rear door of Ofc. Muellers car in an attempt to injure Ofc. Mueller and/or disable his car. The chase then continued through the streets of Brundidge. At one point Fenn reached a dead end street and drove through someones yard onto another street. The chase continued onto Windmill street and Brundidge Police Officer King positioned his car at the exit to the street. He entered the street and saw the chase coming toward him. He stopped his Police car. Officers stated that Fenn never slowed the van and instead drove head on into Ofc. King's car. This disabled Ofc. Kings car and caused him minor injuries for which he was treated at Edge Hospital for. This also disabled the stolen van. Fenn then exited the van and fled on foot into a residential area. After a brief foot chase Ofc. Mueller was able to catch the suspect. He was then handcuffed and placed into a Sheriff's deputy's car. As they were putting him into the car he became combative again. He was handcuffed but his legs were still no inside the car. He began kicking at Officers in an attempt to resist and possibly injure them. Ofc. Crawley then opened the rear door on the other side. After giving Fenn a verbal warning to cease his resistance Ofc. Crawley employed the use of O.C. Pepper spray. At that time Fenn ceased resisting and was taken to the Pike County Jail without further incident.

After getting approval from the Pike County D.A.'s office warrants were signed on Fenn for Theft of Property 1st for the theft of the van. Officer's also signed 2 warrants on him for Assault 2nd. This was a result of intentionally "ramming" the 2 Troy Police cars. After everything was over the owner of the van found that she had approx. $600.00 cash missing from her purse which was in the van at the time of the theft.

After the warrants were signed myself and Ofc. Mueller went to the Pike County Jail in an attempt to get a statement from Fenn and serve the warrants on him. He saw us and became very belligerent and disorderly. He told us to "fuck off" and refused to come with us. We then left him alone. I returned a short time later in an attempt to just serve the warrants on him. As I drove up to the Jail I noticed Deputy Price escorting Fenn to the courthouse. I drove up to them and informed him he was under arrest for 1 count of Theft 1st and 2 counts of Assault 2nd. I then gave him his copies of the warrants. His response was "fuck you"!

This case is closed pending Court action.

Unit #23 – Jim Mueller

Unit #50 – Mike Hughes

STATEMENT OF SGT. CHUCK RAILEY

STATEMENT MADE OCTOBER 4, 2004

SGT. SONNY SCHRIEBER

CASE NUMBER 0410-0292

RAILEY: just rammed this police unit head-on, I think in an effort to cause more bodily harm to the officer. Uh the cars collided doing significant damage disabling both vehicles. At this time Fenn is physically able to exit his vehicle. He runs across the street into the yard of a residence. Myself, Officer Ben Crawley and Deputy Tommy Price leave in our units and get in foot pursuit of the subject. He runs behind this house, jumps approximately two fences and runs across a vacant lot into the direction of Old Business or Business 231 in Brundidge and at that time that's where he surrendered and was taken into custody by officers.

SCHRIEBER: Okay, now backtrack just a little bit. After he struck Officer Hughes' car he came back and he struck Officer Mueller's car the first time.

RAILEY: The first time.

SCHRIEBER: Okay, now that, do you know if, if that was a result of him intentionally striking Officer Mueller's car or was that trying to regain or had loss control of his vehicle uh from hitting Officer Hughes' car? What would be your opinion on that?

RAILEY: I think it was a still in a continuos effort to try to get away. He was making whatever effort he could so I would think it was an intentional effort to knock another unit out of the chase.

TROY POLICE DEPARTMENT
Use of Force Report

Copy

Date: 10-03-04 Time: 1:50 PM Case Number: 0410-0292

Subject's Name: Johnny Fenn SSN: 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

Subject's Address: 202 Legion Road

Age: 27 Sex: M Height: ____ Race: B Build: ( ) Heavy ( ) Medium (X) Thin

Suspect Under the Influence of: ( ) Drugs ( ) Alcohol (X) Unknown ( ) None

Type of Clothing Worn by subject: Dark shorts no shirt

Location of Incidence: Brundidge City limits
(Address and details, such as, inside or outside)

Was Subject arrested? (X) Yes ( ) No If Yes, Charges: Stolen vehicle, resisting arrest, reckless endangerment

Nature of Call: Stolen vehicle,

Reason For Force

____ Necessary for subject's safety
____ Necessary to defend another
X Necessary to defend another officer
____ Necessary to effect arrest
____ Necessary to prevent crime
____ Other ____

Type of Force Used
(Check all that Apply)

X Verbal Direction
____ Baton
X Handcuffs
X Chemical Agent
____ Impact Munitions
____ M26 Taser
____ Empty Hand Control
____ Firearm

Subject's actions that required the officer to use force: (include suspect's verbal threats, demeanor, level of resistance, size, skill level, additional suspects, special knowledge or training, previous contacts, etc.) Subject was handcuffed and laying down in the back seat of a PCSO car with his feet still outside on the drivers side and kicking at deputy Mallery. I opened the passenger and told the subject to stop resisting and when he refused I sprayed the subject with Chemical Agent

Was force Effective? X yes ____ no ____ partially effective

If ineffective state why: (i.e. subject under influence of drugs, intoxicated, etc.)

Was subject injured prior to officer(s) arrival? ____ yes X no
If yes, by whom? (if known)

Was subject injured as a result of officer contact? ____ yes X no
Nature of injuries and medical treatment required:
Medical care given: X yes ____ no
Medical care provided by: Officer Crawley, Deputy Mallery (water treatment)
Doctor/Paramedic Name:
Photo Evidence after treatment: ____ yes X no Date: ____ Time ____ hrs.

Did officer(s) sustain injury? X yes ____ no
If Yes, by whom? (if known) Chasing the Subject
Medical care required: X yes ____ no Photos of Injury ____ yes X no

STATEMENT OF OFFICER JIM MUELLER

STATEMENT MADE OCTOBER 4, 2004

SGT. SONNY SCHRIEBER

CASE NUMBER 0410-0292

SCHRIEBER: Okay and you feel like he was con, in control of that van at that time?

MUELLER: He was definitely in control of that van.

SCHRIEBER: Okay, all right, now you stated that this was Johnny Fenn that y'all were chasing and had gone after. I'm gonna show you a, a picture now of driver's license photograph of Johnny Cephus Fis, Fenn, Jr., excuse me, is that the man you're calling Johnny Fenn?

MUELLER: That is the same person, his hair is cut shorter and it's a little neater right now.

SCHRIEBER: Okay, but that is the person that you guys chased?

MUELLER: That's the same person.

SCHRIEBER: The person that you saw steal the van. The person that you saw ram two if not three police cars. Is that correct?

MUELLER: Yes.

SCHRIEBER: And that's the person you took into custody?

MUELLER: That's the person I tackled in the middle of the road.

INCIDENT/OFFENSE REPORT CONTINUED

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

95 DATE AND TIME OF REPORT: 10/03/04 1:50 ☐ AM ☒ PM ☐ MIL

96 CASE #: 04-10-0292 | 97 SFX | 98 ☐ OFFENDER ☒ SUSPECT ☐ MISSING PERSON | ☐ CHECK IF MULTIPLE

99 NAME (LAST, FIRST, MIDDLE): Fenn Johnny | 100 NICKNAME/ALIAS: | 101 RACE: ☐ W ☐ A ☒ B ☐ I | 102 SEX: ☒ M ☐ F | 103 DOB: 05/08/80 | 104 AGE: 24

105 ADDRESS (STREET, CITY, STATE, ZIP): 202 Lexion Road Troy AL 36081 | 106 HGT: 5'4" | 107 WGT: 165 | 108 EYE: Brn | 109 HAIR: Blk | 110 COMPLEXION: dark

111 PROBABLE DESTINATION: | 112 ARMED? ☐ Y ☐ N ☐ UNK. | 113 WEAPON:

114 CLOTHING: Dark shorts no shirt | ☐ SCARS ☐ MARKS ☐ TATOOS | 115 ☐ ARRESTED ☐ WANTED

116 NAME (LAST, FIRST, MIDDLE): | 117 NICKNAME/ALIAS: | 118 RACE: ☐ W ☐ A ☐ B ☐ I | 119 SEX: ☐ M ☐ F | 120 DOB: M D Y | 121 AGE:

122 ADDRESS (STREET, CITY, STATE, ZIP): | 123 HGT: | 124 WGT: | 125 EYE: | 126 HAIR: | 127 COMPLEXION:

128 PROBABLE DESTINATION: | 129 ARMED? ☐ Y ☐ N ☐ UNK. | 130 WEAPON:

131 CLOTHING: | ☐ SCARS ☐ MARKS ☐ TATOOS | 132 ☐ ARRESTED ☐ WANTED

WITNESSES

133 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB	134 ADDRESS (STREET, CITY, STATE, ZIP)	135 RES. PHONE	136 BUS. PHONE
#1 SEX ☐ M ☐ F RACE ☐ W ☐ A ☐ B ☐ I M D Y		( )	( )
#2 SEX ☐ M ☐ F RACE ☐ W ☐ A ☐ B ☐ I M D Y		( )	( )
#3 SEX ☐ M ☐ F RACE ☐ W ☐ A ☐ B ☐ I M D Y		( )	( )
#4 SEX ☐ M ☐ F RACE ☐ W ☐ A ☐ B ☐ I M D Y		( )	( )

WITNESS #1 SSN | WITNESS #2 SSN | WITNESS #3 SSN | WITNESS #4 SSN

NARRATIVE

137 Fenn had been placed in handcuffs and was laying down in the back seat of a Pike County Sheriff's car with his legs still hanging out of the drivers side and kicking at officers and deputy's when I opened the passenger side door and yelled at him to stop resisting. When Fenn refused I sprayed Fenn with my (Pepper Foam 10%) chemical agent. After I sprayed Fenn Deputy Wheeler approached me and told me I had no reason to spray Fenn and told me I needed to make sure Fenn received treatment for the chemical spray. At this time Deputy Mallory told me that he was trying to keep Fenn

CONTINUED ON SUPPLEMENT ☐

ASSISTING AGENCY ORI | ASSISTING AGENCY CASE # | SFX

I hereby affirm that I have read this report and that all information given by me is correct to the best of my knowledge. I will assume full responsibility for notifying this agency if any stolen property or missing person hereby reported is returned.

SIGNATURE

MULTIPLE CASES CLOSED | 140 CASE # | 141 SFX | 142 CASE # | 143 SFX | 144 CASE # | 145 SFX | 146 ADDITIONAL CASES CLOSED NARRATIVE ☐ Y ☐ N

ADMINISTRATION

147 CASE STATUS: ☐ PENDING ☐ INACTIVE ☐ CLOSED

ENTERED ACIC/NCIC ☐ ☐ DATE

148 CASE DISPOSITION: ☐ CLEARED BY ARREST (JUV.) ☐ CLEARED BY ARREST (ADULT) ☐ UNFOUNDED ☐ ADM. CLEARED

☐ EXCEPTIONAL CLEARANCE: ☐ SUSPECT/OFFENDER DEAD ☐ OTHER PROSECUTION ☐ EXTRADITION DENIED ☐ LACK OF PROSECUTION ☐ JUVENILE, NO REFERRAL ☐ DEATH OF VICTIM

149 REPORTING OFFICER: 2134 | ID #

150 ASSISTING OFFICER: | ID #

151 SUPERVISOR APPROVAL | ID # | 152 WATCH CMDR. | ID #

ALABAMA UNIFORM INCIDENT/OFFENSE REPORT SUPPLEMENT

Copy

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1 ORI #: 0215501/100
2 AGENCY NAME: Troy Police Department
3 DATE AND TIME OF REPORT: 10 03 04 1:30
4 CASE #: 04 V 0 ... 2
5 SFX: B
6 VICTIM'S NAME (ORIGINAL REPORT):
7 ORIGINAL OFFENSE DATE:
8 TYPE REPORT: ☐ CONTINUATION ☐ FOLLOW—UP
9 ORIGINAL INCIDENT/OFFENSE:
10 UCR CODE:
11 STATE CODE/LOCAL ORDINANCE:
12 NEW INCIDENT/OFFENSE:
13 UCR CODE:
14 STATE CODE/LOCAL ORDINANCE:
15 HAS AN ARREST BEEN MADE? ☒ YES ☐ NO
16 DATE OF ARREST: 10 03 04
17 HAS WARRANT BEEN OBTAINED? ☐ YES ☐ NO WARRANT #
18 DATE OF WARRANT:
19 PRIOR: PREMISE / YEAR / WEAPON

20 ☐ DEFENDANT ☐ SUSPECT
NAME: Fenn, Johnny
RACE: ☐ W ☐ B ☐ A ☐ I
SEX: ☒ M ☐ F
DOB: 05 08 80
AGE: 24

21 ☐ DEFENDANT ☐ SUSPECT
NAME:
RACE: ☐ W ☐ B ☐ A ☐ I
SEX: ☐ M ☐ F
DOB:
AGE:

from kicking him in the head at the time I sprayed him. Fenn was treated with bottled water from my car by using the water to wash his face and eyes.

22 LOCAL USE
23 STATE USE

24 MOTOR VEHICLE — S R D C
25 CURRENCY, NOTES — S R D C
26 JEWELRY — S R D C
27 CLOTHING/FURS — S R D C
28 FIREARMS — S R D C
29 OFFICE EQUIPMENT — S R D C
30 ELECTRONICS — S R D C
31 HOUSEHOLD — S R D C
32 CONSUMABLE GOODS — S R D C
33 LIVESTOCK — S R D C
34 MISCELLANEOUS — S R D C

MOTOR VEHICLE RECOVERY ONLY REQUIRED FOR 24xx UCR CODE
35 MOTOR VEH. STOLEN IN YOUR JURISDICTION? ☐ WHERE?
36 RECOVERED IN YOUR JURISDICTION? ☐ WHERE?

MULTIPLE CASES CLEARED
37 CASE #
38 SFX
39 CASE #
40 SFX
41 CASE #
42 SFX
43 ADDITIONAL CASES CLOSED NARRATIVE ☐ Y ☐ N

44 CASE STATUS: ☐ PENDING ☐ INACTIVE ☐ CLOSED
ENTERED ACIC/NCIC ☐ ☐
DATE

45 CASE DISPOSITION: ☐ CLEARED BY ARREST (JUV.) ☐ CLEARED BY ARREST (ADULT) ☐ UNFOUNDED ☐ ADM. CLEARED
☐ EXCEPTIONAL CLEARANCE: ☐ SUSPECT/OFFENDER DEAD ☐ OTHER PROSECUTION ☐ EXTRADITION DENIED ☐ LACK OF PROSECUTION ☐ JUVENILE, NO REFERRAL ☐ DEATH OF VICTIM

46 REPORTING OFFICER: [signature] 2134 ID #
47 ASSISTING OFFICER: ID #
48 SUPERVISOR APPROVAL: ID #
49 WATCH CMDR.: ID #

TYPE OR PRINT IN BLACK INK ONLY

ACJIC—33 REV. 11-94